

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10621

David Josselyn

v.

Kathleen Dennehey

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts hereby certify that the annexed documents as indicated on the certified copy of the docket and contained Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for Notice of Appeal filed on 8/4/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on September 21, 2

Sarah A. Thornton, Clerk of Court

By *Jeanette Ramos*
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 9/21/05

D. Bancard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APF AL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10621-GAO**

Josselyn v. Dennehy	Date Filed: 04/01/2004
Assigned to: Judge George A. O'Toole, Jr	Jury Demand: None
Cause: 28:2254 Petition for Writ of Habeas	Nature of Suit: 530 Habeas
Corpus (State)	Corpus (General)
	Jurisdiction: U.S. Government
	Defendant

Petitioner

David Josselyn represented by **Rosemary C. Scapicchio**
Law Office of Rosemary C.
Scapicchio
Four Longfellow Place
37th Floor
Boston, MA 02114
617-263-7400
Fax: 617-742-5761
Email:
scapicchio_attorney@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Kathleen Dennehy represented by **Annette C. Benedetto**
Department of Attorney General
McCormack Building
One Ashburton Place
Boston, MA 02208
617-727-2200

Fax: 617-727-5755
 Email:
 Annette.Benedetto@AGO.state.ma.us

*LEAD ATTORNEY
 ATTORNEY TO BE NOTICED*

Natalie S Monroe
 Attorney General's Office
 One Ashburton Place
 Boston, MA 02108
 617-727-2200 X 2833
 Fax: 617-727-5755
TERMINATED: 02/01/2005
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/31/2004	•1	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 54918, filed by David Josselyn.(Edge, Eugenia) (Entered: 04/01/2004)
03/31/2004	•	If the trial Judge issues an Order of Reference of a matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Edge, Eugenia) (Entered: 04/01/2004)
03/31/2004	•2	MEMORANDUM IN SUPPORT by David Josselyn to 1 Petition for writ of habeas corpus (28:2254). (Attachments: # 1 Part two of Memo in Support# 2 Part three of Memo in Support)(Edge, Eugenia) (Entered: 04/01/2004)
04/05/2004	•3	Judge George A. O'Toole Jr.: ORDER entered SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.

		(Copies of petition mailed)(Lyness, Paul) (Entered: 04/06/2004)	
04/26/2004	•4	NOTICE of Appearance of Natalie S. Monroe,Esc by Kathleen Dennehy (Barrette, Mark) (Entered: 04/29/2004)	
04/29/2004	•5	MOTION for Extension of Time to 5/27/04 to Respond to Petition for Writ of Habeas Corpus by Kathleen Kennedy.(Barrette, Mark) (Entered: 04/29/2004)	
05/27/2004	•6	Assented MOTION for Extension of Time to 7/23/2004 to Respond to Petition for Writ of Habe Corpus by Kathleen Kennedy.(Barrette, Mark) (Entered: 06/02/2004)	
06/28/2004	•	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>5</u> Motion for Extension of Time, until 5/27/04 to respond to petition granting <u>6</u> Motion for Extension of Time, until 7/23/04 to respond to petition (Lyness, Paul) (Entered: 06/28/2004)	il n
07/29/2004	•7	MOTION for Extension of Time to 8/27/2004 to File Response as to <u>1</u> Petition for writ of habeas corpus (28:2254) by Kathleen Kennedy.(Barrette, Mark) (Entered: 08/10/2004)	
08/27/2004	•8	Assented to MOTION for Extension of Time to September 1, 2004 to Respond to the Petition for a Writ of Habeas Corpus by Kathleen Kennedy. (Monroe, Natalie) (Entered: 08/27/2004)	
08/30/2004	•	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>7</u> Motion for Extension of Time, until 8/27/04, to File Response/Reply, granting <u>8</u> Motion for Extension of Time, until 9/1/04, to File Response/Reply (Lyness, Paul) (Entered: 08/30/2004)	il
09/03/2004	•9	SUPPLEMENTAL APPENDIX by Kathleen Kennedy. (Barrette, Mark) (Entered: 09/09/2004)	

09/03/2004	• 10	MOTION to Dismiss by Kathleen Dennehy.(Barrette, Mark) (Entered: 09/10/2004)
09/03/2004	• 11	MEMORANDUM in Support re <u>10</u> MOTION to Dismiss filed by Kathleen Dennehy. (Barrette, Mark) (Entered: 09/10/2004)
09/22/2004	• 12	MOTION for Extension of Time to 11/30/2004 to File Opposition as to <u>10</u> MOTION to Dismiss by David Josselyn.(Barrette, Mark) (Entered: 09/28/2004)
09/22/2004	• 13	AFFIDAVIT in Support re <u>12</u> MOTION for Extension of Time to 11/30/2004 to File Opposition as to <u>10</u> MOTION to Dismiss. (Barrette, Mark) (Entered: 09/28/2004)
11/04/2004	•	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>12</u> Motion for Extension of Time to File Response/Reply re <u>12</u> MOTION for Extension of Time to 11/30/2004 to File Response/Reply as to <u>10</u> MOTION to Dismiss Responses due by 11/30/2004 (Lyness, Paul) (Entered: 11/04/2004)
11/16/2004	•	NOTICE of Hearing on Motion <u>10</u> MOTION to Dismiss: Motion Hearing set for 1/10/2005 02:00 P in Courtroom 9 before George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 11/16/2004)
11/24/2004	• 14	Assented to MOTION for Extension of Time to January 31, 2005 to File Response/Reply as to <u>10</u> MOTION to Dismiss by David Josselyn.c/s(Edge, Eugenia) (Entered: 11/30/2004)
11/24/2004	• 15	AFFIDAVIT in Support re <u>14</u> MOTION for Extension of Time to January 31, 2005 to File Response/Reply as to <u>10</u> MOTION to Dismiss. (Edge, Eugenia) (Entered: 11/30/2004)
12/09/2004	•	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>14</u> Motion for Extension of Time to

		File Response/Reply re <u>14</u> MOTION for Extension of Time to January 31, 2005 to File Response/Reply to <u>10</u> MOTION to Dismiss Responses due by 1/31/2005 (Lyness, Paul) (Entered: 12/09/2004)	5
12/09/2004	•	NOTICE of Hearing on Motion <u>10</u> MOTION to Dismiss: Motion Hearing is now set for 2/7/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly (Lyness, Paul) (Entered: 12/09/2004)	
02/01/2005	•16	NOTICE of Appearance by Annette C. Benedetto on behalf of Kathleen Dennehy. c/s (Edge, Eugenia) (Entered: 02/02/2005)	
02/02/2005	•17	MEMORANDUM in Opposition re <u>10</u> MOTION to Dismiss filed by David Josselyn. c/s (Edge, Eugenia) (Entered: 02/03/2005)	
02/07/2005	•	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Motion Hearing held 2/7/2005 re <u>10</u> MOTION to Dismiss filed by Kathleen Dennehy,. The court takes the matter under advisement. (Court Reporter Richard Romanow.) (Lyness, Paul) (Entered: 02/07/2005)	
03/10/2005	•18	Judge George A. O'Toole Jr.: MEMORANDUM AND ORDER entered temporarily granting in part and denying in part <u>10</u> Motion to Dismiss. Accordingly the entire petition will be dismissed unless the petitioner elects to voluntarily dismiss the two unexhausted claims within 35 days from the date of this order. If he does so elect, those claims shall be dismissed without prejudice, and the petition shall be entertained on the merits as to the four exhausted claims. (Lyness, Paul). (Entered: 03/14/2005)	
04/15/2005	•19	MOTION for Extension of Time to May 23, 2005 to File Response/Reply as to <u>18</u> Order on Motion to Dismiss, by David Josselyn. c/s(Edge, Eugenia)	

		(Entered: 04/20/2005)
04/15/2005	•20	AFFIDAVIT in Support re <u>19</u> MOTION for Extension of Time to May 23, 2005 to File Response/Reply as to <u>18</u> Order on Motion to Dismiss., c/s (Edge, Eugenia) (Entered: 04/20/2005)
04/15/2005	•21	Letter (non-motion) re: Motion to extend dated 4/8 from Atty. Rosemary Scapicchio. (Edge, Eugenia) (Entered: 04/20/2005)
04/22/2005	•	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>19</u> Motion for Extension of Time to File Response/Reply re <u>19</u> MOTION for Extension of Time to May 23, 2005 to File Response/Reply as to <u>18</u> Order on Motion to Dismiss, Responses due by 5/23/2005 (Lyness, Paul) (Entered: 04/22/2005)
05/23/2005	•22	Letter(non-motion) from Rosemary Curran Scapicchio re: Supreme Court's decision Rhines v Weber S.Ct. (March 30, 2005) (Edge, Eugenia) (Entered: 05/24/2005)
07/13/2005	•23	Judge George A. O'Toole Jr.: ORDER entered. JUDGMENT in favor of Respondent against Petitioner(Lyness, Paul) (Entered: 07/13/2005)
08/04/2005	•24	NOTICE OF APPEAL as to <u>23</u> Judgment by David Josselyn. \$ 255 Reason fee is not required: Defendant is indigent. Counsel appointed by Committee for Public Counsel Services NOTICE TO COUNSEL: Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals' web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/24/2005. (Attachments: # 1 Certificate of Appealability# 2 Appendix Court Order# 3 Judgement)(Scapicchio, Rosemary) (Entered: 08/04/2005)

09/07/2005	•25	Judge George A. O'Toole Jr.: ORDER GRANTING LIMITED CERTIFICATE OF APPEALABILITY entered. (Lyness, Paul) (Entered: 09/07/2005)
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